

Dkt. 50950/JPW/EMW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC

#4

Applicants: Wayne A. Hendrickson et al.
Serial No.: 09/609,027 Examiner: Not Yet Known
Filed : June 29, 2000 Group Art Unit: Not Yet Known
For : CONJUGATED LIGANDS FOR THE STIMULATION OF BLOOD
CELL PROLIFERATION BY EFFECTING DIMERIZATION OF THE
RECEPTOR FOR STEM CELL FACTOR

1185 Avenue of the Americas
New York, New York 10036
November 30, 2000

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

DEC 12 2000

OFFICE OF PETITIONS

Sir:

SUBMISSION OF DEFICIENCY PAYMENT UNDER
37 C.F.R. §§1.28(c)(1) AND (c)(2) OF APPLICATION
FILING FEE PAID UNDER SMALL ENTITY STATUS IN ERROR

Applicants submit herewith the payment of the deficiency owed for the application filing fee as a large entity in connection with the above-identified application.

On June 29, 2000, the subject application was filed with an unsigned Verified Statement (Declaration) Claiming Small Entity Status under 37 C.F.R. §1.9(f) and §1.27(d), a copy of which is attached hereto as **Exhibit A**, and an application filing fee of \$627.00, which included a \$243.00 fee for 27 claims in excess of 20, a \$39.00 fee for 1 independent claim in excess of 3, and a \$345.00 basic filing fee, all of which were calculated under small

Adjustment date: 12/12/2000 SLUANG1
07/11/2000 JARTIS 00000022 09609027
01 FC:201 -345.00 OP
02 FC:202 -39.00 OP

Adjustment date: 12/12/2000 SLUANG1
07/11/2000 JARTIS 00000022 09609027
03 FC:203 -243.00 OP

12/12/2000 SLUANG1 00000132 033125 09609027
01 FC:101 710.00 OP
02 FC:102 80.00 OP
03 FC:103 41.00 CH 445.00 OP

Wayne A. Hendrickson et al.
U.S. Serial No. 09/609,027
Filed: June 29, 2000
Page 2

entity status in good faith.

Subsequent to the filing of the subject application, applicants discovered that such status as a small entity was established in error. Applicants request that the error in establishing small entity status be excused upon applicants' compliance herewith of:

- 1) the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of 37 C.F.R. §1.28; and
- 2) the deficiency payment requirement of paragraph (c)(2) of 37 C.F.R. §1.28.

1) Submission of Deficiency Payment for Application

As required under 37 C.F.R. §1.28(c)(1), applicants submit herewith this separate submission of the deficiency payment for the subject application.

2) Payment of Deficiency Owed

As required under 37 C.F.R. §1.28(c)(2), applicants submit herewith the deficiency owed, resulting from the previous erroneous payment of small entity fees.

i) Calculation of the Deficiency Owed

The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in

Wayne A. Hendrickson et al.
U.S. Serial No. 09/609,027
Filed: June 29, 2000
Page 3

full and the amount of the previous erroneous (small entity) fee payment.

An application filing fee of \$627.00 was previously erroneously paid, which included a \$243.00 fee for twenty seven (27) claims in excess of twenty (20), a \$39.00 fee for one (1) independent claim in excess of three (3), and a \$345.00 basic application filing fee.

The current fee amount for claims in excess of 20 is \$18.00 per claim, therefore, the fee for twenty seven (27) claims in excess of twenty (20) is \$486.00. The current fee for each independent claim in excess of three (3) is \$39.00 per claim, therefore, the fee for one (1) claim in excess of three (3) is \$39.00. The current basic application filing fee is \$710.00. Therefore, the current fee for application filing fees, including all excess claim fees, is ONE THOUSAND TWO HUNDRED THIRTY FIVE DOLLARS (\$1,235.00).

Therefore, the total deficiency owed is: current fee of \$1,235.00 minus the amount of previous erroneous payment of SIX HUNDRED TWENTY SEVEN DOLLARS (\$627.00) is SIX HUNDRED EIGHT DOLLARS (\$608.00).

ii) Itemization of the Deficiency Payment

- A) Each particular type of fee that was erroneously paid as a small entity and the current fee amount for a non-small entity is listed as follows:

Wayne A. Hendrickson et al.
U.S. Serial No. 09/609,027
Filed: June 29, 2000
Page 4

1a. The fee paid for twenty seven (27) claims in excess of twenty (20) was \$243.00.

1b. The current fee amount for claims in excess of 20 is \$18.00 per claim, therefore, the fee for twenty seven (27) claims in excess of twenty (20) is \$486.00.

2a. The fee paid for one (1) independent claim in excess of three (3) was \$39.00.

2b. The current fee amount for one (1) independent claim in excess of three (3) is \$39.00.

3a. The basic application filing fee paid was \$345.00.

3b. The current basic application filing fee is \$710.00.

B) The small entity fee actually paid and when it was paid are as follows:

A check for a total amount of SIX HUNDRED TWENTY SEVEN DOLLARS (\$627.00) was paid on June 29, 2000. The type of fee paid and when it was paid are itemized as follows:

1. The \$243.00 fee for twenty seven (27) claims in excess of twenty (20) was paid on June 29, 2000.

2. The \$39.00 fee for one (1) independent claim in excess of three (3) was paid on June 29, 2000.
3. The \$345.00 basic application filing fee was paid on June 29, 2000.

C) The deficiency owed amount is calculated as follows:

1. The current fee amount for claims in excess of 20 is \$18.00 per claim, therefore, the fee for twenty seven (27) claims in excess of twenty (20) is \$486.00 minus the \$243.00 fee paid is a deficiency of \$243.00.
2. The current fee amount for one (1) independent claim in excess of three (3) is \$39.00 fee minus the \$39.00 fee paid is a deficiency of \$0.00 (zero).
3. The current basic application filing fee is \$710.00 minus the \$345.00 fee paid is a deficiency of \$365.00.

D) The total deficiency owed amount is calculated as follows:

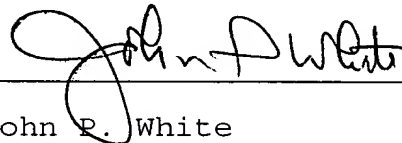
The \$243.00 deficiency fee for twenty seven (27) claims in excess of twenty (20) plus the \$365.00 deficiency fee for basic application filing fee is a total of SIX HUNDRED EIGHT DOLLARS (\$608.00).

Wayne A. Hendrickson et al.
U.S. Serial No. 09/609,027
Filed: June 29, 2000
Page 6

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

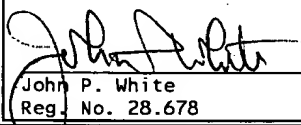
No fee, other than the enclosed \$608.00, which includes the total deficiency owed amount in connection with the application filing fees, is deemed necessary in connection with the filing of this Submission. However, if any additional fee is required, authorization is hereby given to charge the amount of any additional such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

 11/30/00
John P. White Date
Reg. No. 28.678